EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 4

DOCKET NO.: 2007-0742-AIR-E TCEQ ID: RN100218932 CASE NO.: 33462

RESPONDENT NAME: Chemtrade Refinery Services, Inc.

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
_AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Spent acid regen SMALL BUSINESS: YesX N	•	
INTERESTED PARTIES: No one other the	an the ED and the Respondent has expressed an inte	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on January 4, 2008. N	No comments were received.
Mr. Bryan Sinclair, Enforcement D Respondent: Mr. Frank Tobias, Pl Mr. Joe A. Jayroe II, Director of M	: Mr. Jorge Ibarra, P.E., Enforcement Division, Enfo	D. Box 30, Beaumont, Texas 77704

RESPONDENT NAME: Chemtrade Refinery Services, Inc. **DOCKET NO.:** 2007-0742-AIR-E

VIOLATION SUMMARY CHART:

CORRECTIVE ACTIONS HUSE VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED **Corrective Actions Taken:** Type of Investigation: Total Assessed: \$34,119 Complaint 1) The Executive Director recognizes that X Routine Total Deferred: \$6,823 ___ Enforcement Follow-up the Respondent has implemented the X Expedited Settlement following corrective measures at the Plant: Records Review Financial Inability to Pay a. Completed operations personnel training Date(s) of Complaints Relating to this on October 31, 2006. The training was **SEP Conditional Offset: \$0** Case: None conducted in efforts to prevent future emissions events due to the same cause as **Date of Investigation Relating to this** Total Paid to General Revenue: \$27,296 the September 18, 2006 emissions event Case: November 3, 2006 and March 8, and included a review of operating 2007 Site Compliance History Classification procedures for maintaining sulfuric acid High X Average Poor target operating concentrations for the acid Date of NOV/NOE Relating to this Case: drum: January 8, 2007 and May 1, 2007 (NOE) **Person Compliance History Classification** __ High _X Average __ Poor b. Implemented procedures to ensure Background Facts: These were routine proper daily zero and span on the SO₂ investigations. Major Source: X Yes ___ No CEMS scrubber stack [EPN 1] on November 29, 2006; AIR Applicable Penalty Policy: September 2002 c. Installed a new opacity instrument 1) Failed to record the sulfur dioxide motor on January 3, 2007; ("SO₂") emissions data as reported in the deviation reports for the periods covering d. Submited initial and final reports for January 28, 2006 to July 29, 2006 and July Incident Nos. 87223 and 87225 on 28, 2006 to January 29, 2007. Specifically, February 15, 2007; on June 3, 2006, August 2, 2006, and January 19-20, 2007, the Respondent failed e. Began blowing out the sample line to to record the emission data from the sample the SO₂ CEMS during daily calibrations line to the SO₂ continuous monitoring on February 28, 2007; system ("CEMS") [Permit No. 3149, Special Condition No. 7, Federal Operating f. Began conducting air modeling and Permit ("FOP") No. O-01409, Special ambient sampling though a third-party Condition No. 7A, 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. consulting firm to investigate SO₂ emissions at the Plant and to help HEALTH & SAFETY CODE § 382.085(b)]. determine the source or sources of groundlevel fenceline concentrations of SO₂ as 2) Failed to calculate sulfur SO₂ emissions notified by the Respondent on March 20, as reported in the deviation reports for the 2007: periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, g. Installed an alarm to the computer that 2007. Specifically, on twenty occasions, the alerts the operators to complete the Reich Respondent failed to calculate converter, test that calculates the converter, scrubber, scrubber, and overall SO₂ efficiencies and overall SO₂ efficiencies on April 16, [Permit No. 3149, Special Condition No. 1, 2007; FOP No. O-01409, Special Condition No. 7A, 30 Tex. Admin. Code §§ 116.115(c) h. Replaced the "B" converter bed catalyst and 122.143(4), and TEX. HEALTH & during the March 28, 2006 shutdown and SAFETY CODE § 382.085(b)]. re-inspected the converter during the 2007 shutdown to ensure that it was performing 3) Failed to zero and span the SO₂ CEMS as properly; and reported in the deviation report for the period covering July 28, 2006 to January 29, 2007. Specifically, the Respondent

RESPONDENT NAME: Chemtrade Refinery Services, Inc.

DOCKET NO.: 2007-0742-AIR-E

failed to conduct the daily zero and span on the SO₂ CEMS scrubber stack [emission point number ("EPN") 1] on November 24, 2006 [Permit No. 3149, Special Condition No. 7B, FOP No. O-01409, Special Condition No. 7A, 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), and Tex. HEALTH & SAFETY CODE § 382.085(b)].

- 4) Failed to continuously operate an opacity monitor as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007. Specifically, the opacity instrument motor failed on January 1, 2007 [30 Tex. ADMIN. CODE § 111.127(c) and Tex. Health & Safety Code § 382.085(b)].
- 5) Failed to submit initial reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007 [30 Tex. ADMIN. CODE § 101.201(a)(1)(B) and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 6) Failed to submit final reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007 [30 Tex. ADMIN. CODE § 101.201(c) and Tex. Health & Safety Code § 382.085(b)].
- 7) Failed to maintain an emission rate below the maximum allowable emission limit of 400 pounds per 24 hour for SO₂ from the scrubber stack EPN 1. Specifically, 14,440 lbs of SO₂ were emitted on February 8-9, 2006 in a 28 hour period and 9,945 lbs of SO₂ were emitted on February 12-13, 2006 in a 15 hour period. [Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 7A, 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)].
- 8) Failed to maintain SO₂ net ground level concentrations below 0.32 parts per million by volume ("ppmv"). Specifically, on July 10, 2006, from 1:10 am to 3:30 am, the TCEQ measured a 30-minute 0.967 ppmv net average SO₂ level and a maximum SO₂ peak concentration of 3.00 ppmv at 2:55 am at the fenceline of the Plant [30 Tex. ADMIN. CODE § 112.3(c) and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 9) Failed to maintain authorized emissions from the final vent stack EPN 1. Specifically, during a September 19, 2006

i. Developed and implemented recordkeeping/reporting practices and procedures to ensure that all emissions events are properly reported on June 10, 2007

Ordering Provisions:

- 2) The Order will require the Respondent to:
- a. Within 180 days after the effective date of this Agreed Order, implement measures designed to prevent SO₂ net ground level exceedances similar to that which occurred on July 10, 2006; and
- b. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a.

RESPONDENT NAME: Chemtrade Refinery Services, Inc.

DOCKET NO.: 2007-0742-AIR-E

emissions event, the 1,000 ppmv SO ₂ concentration limit for EPN 1 was exceeded for three hours and 20 minutes. [Permit No. 3149, Special Condition No. 8, FOP No. O-01409, Special Condition No. 7A, 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), and Tex. Health & Safety CODE § 382.085(b)].	The second secon

Additional ID No(s).: JE0073N

Penalty Calculation Worksheet (PCW) PCW Revision April 26, 2007 7-May-2007 Assigned PCW 2-Aug-2007 Screening 8-May-2007 **EPA Due** 15-Feb-2008 RESPONDENT/FACILITY INFORMATION Respondent Chemtrade Refinery Services, Inc. Reg. Ent. Ref. No. RN100218932 Facility/Site Region 10-Beaumont Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 33462 Docket No. 2007-0742-AIR-E No. of Violations Order Type 1660 Enf. Coordinator Jorge Ibarra, P.E. Media Program(s) Air EC's Team EnforcementTeam 4 Multi-Media Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section **TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$22,300 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage \$11,819 **Compliance History** 53% Enhancement Subtotals 2, 3, & 7 The Respondent was issued four NOVs with the same or similar type of violations, one NOV without the same or similar type of violations, a 1660 Agreed Order, self-reported six months of effluent violations, and submitted one Notice of Intent. \$0 Culpability Nο 0% Enhancement Subtotal 4 The Respondent does not meet the culpability criteria. Notes \$0 Good Faith Effort to Comply 0% Reduction Subtotal 5 Before NOV NOV to EDPRP/Settlement Offer Extraordinar Ordinan N/A (mark with x) The Respondent does not meet the good faith criteria. Notes \$0 Subtotal 6 0% Enhancement* Total EB Amounts *Capped at the Total EB \$ Amount \$2,580 Approx. Cost of Compliance **SUM OF SUBTOTALS 1-7** Final Subtotal \$34,119 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.) Notes Final Penalty Amount \$34,119

\$34,119

-\$6,823

\$27,296

Final Assessed Penalty

Reduction

20%

Deferral offered for expedited settlement.

Adjustment

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only, e.g.

DEFERRAL

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Case ID No. 33462

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Policy Revision 2 (September 2002) PCW Revision April 26, 2007

Compliance History Worksheet

Compo	nent	Number of	Enter Number Here	Adjust.	
NO	Vs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%	· 4
		Other written NOVs	7	14%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1 4 4 4 4 4	20%	
Orde	ers	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1300 A	,0 ;%	
Judgm		Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	: 4 64 c
and Co Decr		Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%	
Convic	ctions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emiss	sions	Chronic excessive emissions events (number of events)	0	0%	
Aud	lits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1 1, 1	-1%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	· 0% · ·	
		Plea	se Enter Yes or No		
		Environmental management systems in place for one year or more	No	0%	
Oth	ıer	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
0		Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment F	Percentage (S	ubtotal 2)[5
eat Violat	or (Su	btotal 3)			
	No	Adjustment F	Percentage (S	ubtotal 3)[(
npliance F	listory	Person Classification (Subtotal 7)			
Aver	rage Pe	erformer Adjustment F	Percentage (S	ubtotal 7)[Ç
npliance F	listory	Summary			
Compl Histo		The Respondent was issued four NOVs with the same or similar type of violations, one NO same or similar type of violations, a 1660 Agreed Order, self-reported six months of effluent submitted one Notice of Intent.			

Screening Date	8-May-2007 Docket	No. 2007-0742-AIR-E
Respondent	Chemtrade Refinery Services, Inc.	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision April 26, 2007
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator Violation Number	Jorge Ibarra, P.E.	
Rule Cite(s)	1 1	
Nuie Cite(s)	Permit No. 3149, Special Condition No. 7, Feder 01409, Special Condition No. 7A, 30 Tex. Admin. and Tex. Health & Safety Co	Code §§ 116.115(c) and 122.143(4),
Violation Description	Failed to record the sulfur dioxide ("SO2") emissi reports for the periods covering January 28, 2006 January 29, 2007. Specifically, on June 3, 2006, 2007, the Respondent failed to record the emiss SO2 continuous emissions monitor	to July 29, 2006 and July 28, 2006 to August 2, 2006, and January 19-20, sion data from the sample line to the
_		Base Penalty \$10,000
>> Environmental, Property a	nd Human Health Matrix	Constant Property Constant
	Harm	
OR Release	Major Moderate Minor	· · · · · · · · · · · · · · · · · · ·
Potential		Percent 0%
, otomati		0.00
>>Programmatic Matrix		·
Falsification	Major Moderate Minor	
	X	Percent 1%
Matrix Notes	Less than 30% of the rule requirement	was not met.
Control of the Contro		,
		Adjustment \$9,900
2000		\$100
		<u> </u>
Violation Events		
Number of Vio	lation Events 4	Number of violation days
	daily	
	monthly	
mark only one	quarterly	Violation Base Penalty \$400
with an x	semiannual	
ocoro	annual Single event	
**************************************	single event x	

	Four single events are recomme	ended.
Economic Benefit (EB) for thi	s violation	Statutory Limit Test
Estimated	EB Amount \$7	Violation Final Penalty Total \$612
· convenience		Danath, (additional facility)
	inis violation Final As	ssessed Penalty (adjusted for limits) \$612

eg. Ent. Reference No.	33462 RN100218932					Part in just	(e.).	
Media	Air					Percent Interest	Years of	
Violation No.	1						Depreciation	
Committee of the commit	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	15 EB Amount	
Item Description	No commas or \$							
	11.0					1	Na contraction of the state of	
Delayed Costs				1	T 40) #A	1 60	
Equipment				0.0	\$0	\$0	\$0	
Buildings				0.0	\$0 \$0	\$0 \$0	\$0 \$0	
Other (as needed)				0.0	\$0 \$0	\$0	\$0	
Engineering/construction Land				0.0	\$0	n/a	\$0	
Record Keeping System			Later and province of the contract of the cont	0.0	\$0	n/a	\$0	
Training/Sampling	mensamment ; " ; " · · · · · · · · · · · · · · · ·			0.0	\$0	n/a	\$0	
Remediation/Disposal				0.0	\$0	n/a	\$0	
			and the second second					
				แกก	1 80	n/a		
Permit Costs Other (as needed) Notes for DELAYED costs	\$200 Estimated cos				\$0 \$7 O2 emissions data is the compliance	n/a n/a a. Date Required is date.	\$0 \$7 the first date of	
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Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel repection/Reporting/Sampling Supplies/equipment	Estimated cos	t to fix sample line noi	and properly recon-compliance, Fina	0.7 rd the S al Date i ntering	\$7 O2 emissions data is the compliance item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a a. Date Required is date. one-time avoided \$0 \$0 \$0 \$0	\$7 the first date of \$0 \$0 \$0 \$0 \$0 \$0	1916年
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	t to fix sample line noi	and properly recon-compliance, Fina	0.7 rd the S al Date i ntering 0.0 0.0 0.0 0.0 0.0	\$7 O2 emissions data is the compliance of the co	n/a a. Date Required is date. one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$7 the first date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
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Screening Date 8-May-2007 Docket No. 2007-0742-AIR-E	PCW
Respondent Chemtrade Refinery Services, Inc.	Policy Revision 2 (September 2002)
Case ID No. 33462	PCW Revision April 26, 2007
Reg. Ent. Reference No. RN100218932	
Media [Statute] Air	
Enf. Coordinator Jorge Ibarra, P.E. Violation Number 2	
<u> </u>	
Rule Cite(s) Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety C 382.085(b)	lo. 7A, ode §
Violation Description Violation Description Violation Description Failed to calculate sulfur SO2 emissions as reported in the deviation reports for periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to Januar 2007. Specifically, on twenty occasions, the Respondent failed to calculate the emissions and efficiencies for the converter scrubber and overall SO2.	y 29,
Base P	Penalty \$10,000
>> Environmental, Property and Human Health Matrix	
Harm	•
Release Major Moderate Minor	
OR Actual Potential Percent 0%	
Fotential Fercent 0%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 1%	*
Matrix Notes Less than 30% of the rule requirement was not met.	
A STATE OF THE STA	\$0,000
Adjustment	\$9,900
	\$100
Violation Events	
Number of Violation Events 20 20 Number of violation days	
daily	
merk only one quarterly Violation Base F	Penalty \$2,000
mark only one quarterly Violation Base F with an x semiannual .	Unarty 42,000
annual	
single event x	:
Twenty single events are recommended.	
Economic Benefit (EB) for this violation Statutory Limit Test	——— K. Kappenga pangananahan
Estimated EB Amount \$4 Violation Final Penalt	y Total \$3,060
This violation Final Assessed Penalty (adjusted for	limits) \$3,060
This violation Final Assessed Fellally (adjusted for	тте ј ј фо,000

		conomic i	Benefit W	orks	sheet		
Respondent Case ID No		finery Services, Inc					
Reg. Ent. Reference No Media	ı Air					Percent Interest	Years of Depreciation
Violation No	, 2				ORGENIS DE L'ANDRES L'AN		age and the second second
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							ä.S.
· A · f. · . · . · .	to include skipting		Discolarização de servições de circultura de circultura de circultura de circultura de circultura de circultura	roformatiscus			
Delayed Costs				-1			
Equipment	\$500	8-Mar-2007	16-Apr-2007	0.1	\$0	\$4	\$4
Buildings				0.0	\$0	\$0 \$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0	\$0 \$0
Engineering/construction Land				0.0	\$0	n/a	\$0
Record Keeping System			1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	0.0	\$0	n/a	\$0
Training/Sampling	1124 - 124 - 124 - 124		1 10 40 7 10 14	0.0	\$0	n/a	\$0
Remediation/Disposal	7,77		Wat is a secous	0.0	\$0	n/a	\$0
Permit Costs		-		0.0	\$0	n/a	\$0
Other (as needed)	F-titi	<u> </u>		0.0	\$0	n/a	\$0
Notes for DELAYED costs		data. Date Requi	red is the investig	to alert t ation da	he operators to ca te, Final Date is th	lculate the required te compliance date.	SO2 emissions
Notes for DELAYED costs Avoided Costs		data. Date Requi	red is the investig	to alert to ation da	he operators to ca te, Final Date is th item (except for	lculate the required the compliance date.	SO2 emissions
Notes for DELAYED costs Avoided Costs Disposal		data. Date Requi	red is the investig	to alert to ation dation datering	he operators to ca te, Final Date is th Item (except for	lculate the required the compliance date. one-time avoided of	SO2 emissions
Notes for DELAYED costs Avoided Costs Disposal Personnel		data. Date Requi	red is the investig	to alert to ation da entering 0.0 0.0	he operators to ca te, Final Date is th Item (except for \$0 \$0	iculate the required to compliance date. one-time avoided of \$0 \$0 \$0	SO2 emissions
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		data. Date Requi	red is the investig	to alert to ation da entering 0.0 0.0 0.0	he operators to ca te, Final Date is th item (except for \$0 \$0	lculate the required the compliance date.	SO2 emissions costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		data. Date Requi	red is the investig	to alert to ation datentering 0,0 0.0 0.0	he operators to ca te, Final Date is th item (except for \$0 \$0 \$0	lculate the required the compliance date. One-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		data. Date Requi	red is the investig	entering 0.0 0.0 0.0 0.0 0.0	he operators to ca te, Final Date is the item (except for \$0 \$0 \$0 \$0	lculate the required to compliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		data. Date Requi	red is the investig	to alert the ation date of the	he operators to ca te, Final Date is th item (except for \$0 \$0 \$0	lculate the required the compliance date. One-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		data. Date Requi	red is the investig	entering 0.0 0.0 0.0 0.0 0.0	he operators to ca te, Final Date is th item (except for \$0 \$0 \$0 \$0 \$0	lculate the required to compliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	SO2 emissions (SO2 emissions (SO3 to 1) (SO3 to 1)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		data. Date Requi	red is the investig	to alert the ation date of the	he operators to ca te, Final Date is th item (except for \$0 \$0 \$0 \$0 \$0	lculate the required to compliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	SO2 emissions (SO2 emissions (SO3 to 1) (SO3 to 1)

 $\label{eq:continuous} \mathcal{T}(s) = \{ s \in \mathbb{N} : s \in \mathbb{N}$

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Screening Date		PCW
1. The state of		evision 2 (September 2002)
Case ID No.		CW Revision April 26, 2007
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator		000000000
Violation Number		
Rule Cite(s	7A, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code	
	§ 382.085(b)	
Violation Description	Failed to zero and span the SO2 CEMS as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007. Specifically, the Respondent failed to conduct the daily zero and span on the SO2 CEMS scrubber stack [emission point number ("EPN") 1] on November 24, 2006.	
	Base Penalty	\$10,000
>> Environmental, Property	and Human Health Matrix	enterviews.
	Harm	
Release		
OR Actua		
Potentia	Percent 10%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent 0%	
<u> </u>		
	check the zero and span on a daily basis on each CEMS could result in the release of amounts of pollutants which would not exceed levels that are protective of human health or the environment.	
	Adjustment \$9,000	
		£4.000
		\$1,000
Violation Events		
	1 Number of violation days	
	daily	
	monthly	
mark only one with an x	quarterly Violation Base Penalty	\$1,000
with all X	semiannual annual annual	
,	single event x	
	One single event is recommended.	
Economic Benefit (EB) for the	nis violation Statutory Limit Test	
***************************************	d EB Amount \$0 Violation Final Penalty Total	\$1,530
		04.500
	This violation Final Assessed Penalty (adjusted for limits)	\$1,530

		CONTRACTOR OF THE PROPERTY OF	Benefit W	OING	Jiioot		
		finery Services, Inc).		Part Part 1	ender a k	ar entra
Case ID No.						arie wit	
eg, Ent. Reference No. Media							Years of
Violation No.						Percent Interest	Depreciation
Violation No.	J					5.0	agrees t posteroose
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	1 EB Amount
Item Description							
item Bescription	INO COMMINAS OF \$						*,64
Delayed Costs							
Equipment	*******			0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land	April 18 Sept.	1000		0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs			1	0.0	\$0	n/a	\$0
Other (as needed)	\$200	24-Nov-2006	29-Nov-2006	0.0	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 proper nce, Fin	\$0 daily zero and spa al Date is the com	n/a an on the CEMS. Da pliance date.	\$0 ate Required is
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 proper nce, Fin	daily zero and span al Date is the com	n/a II an on the CEMS. Da pliance date. one-time avoided o	\$0 ate Required is costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 e proper nce, Fin ntering	daily zero and span al Date is the com	n/a an on the CEMS. Da pliance date. one-time avoided of	\$0 ate Required is costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	proper nce, Fin ntering	daily zero and span al Date is the complete (except for \$0 \$0	n/a an on the CEMS. Dapliance date. one-time avoided \$0 \$0	\$0 ate Required is costs) \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	proper nce, Fin ntering 0.0 0.0	daily zero and spa al Date is the com item (except for \$0 \$0	n/a an on the CEMS. Da pliance date. one-time avoided to \$0 \$0 \$0	\$0 ate Required is costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOICE Costs Disposal Personnel inspection/Reporting/Sampling Supplies/equipment	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 e proper nce, Fin ntering 0.0 0.0 0.0 0.0	so daily zero and spand Date is the com item (except for \$0 \$0 \$0	n/a an on the CEMS. Da pliance date. one-time avoided to \$0 \$0 \$0 \$0 \$0	\$0 ate Required is costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 e proper nee, Fin ntering 0.0 0.0 0.0 0.0 0.0 0.0	so daily zero and span al Date is the com item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a an on the CEMS. Da pliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 ate Required is costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 e proper nce, Fin ntering 0.0 0.0 0.0 0.0 0.0 0.0	daily zero and span and pate is the complete (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a an on the CEMS. Da pllance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ate Required is costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 e proper nee, Fin ntering 0.0 0.0 0.0 0.0 0.0 0.0	so daily zero and span al Date is the com item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a an on the CEMS. Da pliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 ate Required is costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 e proper nce, Fin ntering 0.0 0.0 0.0 0.0 0.0 0.0	daily zero and span and pate is the complete (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a an on the CEMS. Da pllance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ate Required is costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 e proper nce, Fin ntering 0.0 0.0 0.0 0.0 0.0 0.0	daily zero and span and pate is the complete (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a an on the CEMS. Da pllance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ate Required is costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	st to implement pro the first da	ocedures to ensure ate of non-complian	0.0 e proper nce, Fin ntering 0.0 0.0 0.0 0.0 0.0 0.0	daily zero and span and pate is the complete (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a an on the CEMS. Da pllance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ate Required is costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Company March Jord

Screening Date	8-May-2007	Docket	No. 2007-0742-AIR-E	PCW
Respondent	Chemtrade Refinery Serv	ices, Inc.	F	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision April 26, 2007
Reg. Ent. Reference No.				
Media [Statute]		•		
Enf. Coordinator				
Violation Number				
Rule Cite(s)	30 Tex. Admin. Code	§ 111.127(c) and Tex. I	lealth & Safety Code § 382.085(t)) ·
Violation Description	the period covering	July 28, 2006 to January	as reported in the deviation repo 29, 2007. Specifically, the opacit d was repaired on January 3, 200	у
			Base Pe	enalty \$10,000
>> Environmental, Property a Release OR Actual Potential	Harm Major Moderate		Percent 10%	
	<u> </u>		<u> </u>	
>>Programmatic Matrix Falsification	Major Moderate	Minor	Percent 0%	
			e of insignificant amounts of polluman health or the environment. Adjustment	sep.000
			-	£4.000
				\$1,000
Violation Events				
	1	3	Number of violation days	
	daily monthly			
mark only one	quarterly		Violation Base P	enalty \$1,000
with an x	semiannual annual single event x			
	One :	single event is recomme	nded.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$0	Violation Final Penalty	/ Total \$1,530
		This violation Final A	ssessed Penalty (adjusted for	limits) \$1,530

	E	conomic E	3enefit W	orks/	sheet	alata in a		
		finery Services, Inc.	,					
Case ID No.						HANT BY IN		
Reg. Ent. Reference No.						1		
Media						Percent Interest	Years of	
Violation No.	4						Depreciation	
					150	5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
Item Description	No commas or \$							
			tar See Julia		tri en tri i di			
Delayed Costs				_				
Equipment	\$500	1-Jan-2007	3-Jan-2007	0,0	\$0	\$0	\$0	
Buildings				0.0	\$0	\$0	\$0	
Other (as needed)				0.0	\$0	\$0	\$0	
Engineering/construction				0.0	\$0	\$0	\$ 0	
Land				0.0	\$0 \$0	n/a n/a	\$0 \$0	
Record Keeping System Training/Sampling		 		0.0	\$0	n/a	\$0	
Remediation/Disposal		- 		0.0	\$0	n/a	\$0	
Permit Costs				0.0	\$0	n/a	\$0	
i cinit costs								
Other (as needed)				0.0	\$0	n/a	\$0	
Notes for DELAYED costs		t to install a new op	Date is t	0.0 motor. D he comp	\$0 ate Required is the illance date.	n/a e first date of non-co	\$0 ompliance, Final	
Notes for DELAYED costs Avoided Costs		t to install a new op	Date is t	0,0 motor. D he comp	ate Required is the	n/a e first date of non-co	\$0 ompliance, Final costs)	
Notes for DELAYED costs			Date is t	0.0 motor. D he comp	\$0 ate Required is the illance date.	n/a e first date of non-co	\$0 pmpliance, Final costs) \$0 \$0	
Notes for DELAYED costs Avoided Costs Disposal			Date is t	notor. Dhe comp	so ate Required is the siliance date. Item (except for \$0 \$0 \$0 \$0	n/a e first date of non-co	sosts) \$0 costs) \$0 \$0 \$0 \$0	
Notes for DELAYED costs Avoided Costs Disposal Personnel			Date is t	motor. Dhe compositering	ate Required is the silance date. item (except for \$0 \$0 \$0 \$0 \$0	n/a e first date of non-co one-time avoided of \$0 \$0 \$0 \$0	costs) \$0 costs) \$0 \$0 \$0 \$0 \$0	
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Date is t	motor. D he comp entering 0.0 0.0 0.0 0.0 0.0 0.0	so ate Required is the liance date. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e first date of non-co	costs) \$0 pmpliance, Final \$0 \$0 \$0 \$0 \$0 \$0	
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is t	0.0 motor. D he comp	so ate Required is the siliance date. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e first date of non-co	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Date is t	motor. D he comp entering 0.0 0.0 0.0 0.0 0.0 0.0	so ate Required is the liance date. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e first date of non-co	costs) \$0 pmpliance, Final \$0 \$0 \$0 \$0 \$0 \$0	
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is t	0.0 motor. D he comp	so ate Required is the siliance date. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e first date of non-co	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Date is t	0.0 motor. D he comp	so ate Required is the siliance date. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e first date of non-co	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is t	0.0 motor. D he comp	so ate Required is the siliance date. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e first date of non-co	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Date is t	0.0 motor. D he comp	so ate Required is the siliance date. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e first date of non-co	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Date is t	0.0 motor. D he comp	so ate Required is the siliance date. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e first date of non-co	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	

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Screening Date	8-May-2007	Docke	et No. 2007-0742-AIR-E	PCW
	Chemtrade Refinery Serv	rices, Inc.	Poli	cy Revision 2 (September 2002)
Case ID No.				PCW Revision April 26, 2007
Reg. Ent. Reference No.			•	•
Media [Statute]				
Enf. Coordinator				
Violation Number				
Rule Cite(s)	30 Tex. Admin. Code	§ 101.201(a)(1)(B) and 382.085(l	l (c) and Tex. Health & Safety Code § b)	
Violation Description	occurred on February	/ 8-9, 2006 and Februa	ncident Nos. 87223 and 87225 which ry 12-13, 2006 in a timely manner as covering July 28, 2006 to January 29	,
			Base Pena	slty \$10,000
>> Environmental, Property a		atrix		COLLECTION
Poloneo	Harm Major Madarata	Minor		***************************************
Release OR Actual		Minor		
Potential	<u> </u>		Percent 0%	· · · · · · · · · · · · · · · · · · ·
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
		X	Percent 1%	***************************************
Matrix Notes	Less than 30%	% of the rule requireme	nt was not met.	
			Adjustment \$9,	900
				\$100
TOWNS AND A STATE OF THE STATE				
Violation Events				
Number of Vic	olation Events 4		Number of violation days	
	daily	7		
0000	monthly			
mark only one	quarterly	╡ .	Violation Base Pen	alty \$400
with an x	semiannual			
www.	annual			
TO STATE OF THE ST	single event x			
VAN-A-A-21/21/21/21/21/21	Two single events a	are recommended (two	events per incident).	- Control of the Cont
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimated	d EB Amount	\$10	Violation Final Penalty T	otal \$612
	<u> </u>		A	
		inis violation Final	Assessed Penalty (adjusted for lim	its) \$612

	L	conomic	Benefit W	orks	sheet	F-12-12-12-12-12-12-12-12-12-12-12-12-12-	
Case ID No.	Chemtrade Rel 33462	finery Services, Inc		1			
Reg. Ent. Reference No Media	l Air				many in	Percent Interest	Years of
Violation No	. 5				•		Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
							838838 - 2014 - 2014 - 2014 - 2014
Delayed Costs				a			
Equipment				0.0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land		5 - 1 - 14 2 g - 14 26 - 1 - 1 21		0.0	\$0	n/a	\$0
Record Keeping System			-	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs	II .	II	2.1	0.0	1 80		
Other (as needed)	\$200	9-Feb-2006	15-Feb-2007	1.0	\$10	n/a	\$10
Other (as needed)	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re	\$10 ports, Date Requi compliance date.	n/a red is the date the fi	\$10 est report was
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the o	\$10 ports, Date Requirements of the state of	n/a red is the date the fi	\$10 est report was
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	ost to timely submit	the required initia due, Final Date	1,0 I/final re e is the one of the contering 0,0	\$10 ports, Date Requirements date. Item (except for	n/a red is the date the fil one-time avoided o	\$10 rst report was
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	ost to timely submit	the required initia due, Final Date	1,0 I/final re e is the contering 0.0 0.0	\$10 ports, Date Requirements of the ports o	n/a red is the date the fi	\$10 est report was costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated co	ost to timely submit	the required initia due, Final Date	1,0 I/final ree is the contering 0.0 0.0 0.0	\$10 ports, Date Requirements of the second	n/a red is the date the fi one-time avoided o \$0 \$0 \$0	st report was sosts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final ree is the contering 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements, Date Report	n/a red is the date the file one-time avoided of \$0 \$0 \$0 \$0 \$0	\$10 est report was sosts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the contering 0.0 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements compliance date. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a red is the date the file one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$10 st report was sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements of the military (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a red is the date the fi one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$10 rst report was sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the contering 0.0 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements compliance date. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a red is the date the file one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$10 st report was sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements of the military (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a red is the date the fi one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$10 rst report was sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements of the military (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a red is the date the fi one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$10 rst report was sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements of the military (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a red is the date the fi one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$10 rst report was sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements of the military (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a red is the date the fi one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$10 rst report was sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements of the military for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a red is the date the fi one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$10 rst report was sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to timely submit	the required initia due, Final Date	1.0 I/final re e is the contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$10 ports, Date Requirements of the military for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a red is the date the fi one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$10 rst report was sosts) \$0 \$0 \$0 \$0 \$0

Scree	ning Date 8	3-May-2007		Do	ocket No. 2007-074	12-AIR-E	PCW
	espondent (efinery Service	es, Inc.		Policy R	evision 2 (September 2002)
	ase ID No. 3					Р	CW Revision April 26, 2007
Reg. Ent. Refe			2				
	a [Statute] / pordinator .		PF				
	tion Number	6					
	Rule Cite(s)			16.115(c) and 1		pecial Condition No. 7A, Health & Safety Code §	
Violation	Description	pounds per 2 of SO2 were were emitted	24 hour for SC e emitted on F l on February l a year later, l	22 from the scrul ebruary 8-9, 20 12-13, 2006 in a the Respondent	bber stack ("EPN 1"). 06 in a 28 hour period		
	<u> </u>					Base Penalty	\$10,000
> Environmental,	Property ar	nd Human		rix			
	Release	Major	Harm Moderate	Minor	•		
OR	Actual	Widjoi	X				
	Potential				Percent	50%	•
. D	Natais.						
>Programmatic N	Falsification	Major	Moderate	Minor			
Ī	Taiomodion	Widjoi	Wodorato		Percent	0%	
<u>.</u>							1
Matrix Notes		ed to significa	nt amounts of	pollutants which		nonattainment area has ls that are protective of olation.	
					Adjustme	nt \$5,000	
					•		05.000
							\$5,000
iolation Events							
I	Number of Viol	lation Events	2		3 Number	of violation days	
		daily				•	• •
	mark only one with an x	monthly quarterly semiannual				Violation Base Penalty	\$10,000
		annual single event	X				
			Two sind	gle events are re	ecommended		
	·		I WO OIL	3.0 0 VOING AIG 16	Section and a se		
conomic Benefit	(EB) for thi	s violation	Ĺ		Statut	ory Limit Test	
	Estimated	EB Amount		\$322	Viola	tion Final Penalty Total	\$15,300
				This violation	Final Assessed Pena	alty (adjusted for limits)	\$15,300

	_	conomic I	Benefit W	'orks	sheet	on their constraint	
		finery Services, Inc			i.	and the later	
Case ID No. :							
Reg. Ent. Reference No. I						Approximation and	
Media /						Percent Interest	Years of
Violation No.	3			v - 10-11 100-11 100-11 100			Depreciation
					3.4	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
10 (1875, vi)		Salaharan Salaharan	r in a trace seeks to		yan baran baran	4.7	
Delayed Costs					i	1	
Equipment				0.0	\$0	'\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$35,000	8-Feb-2006	28-Mar-2006	0.1	\$15	\$307	\$322
Engineering/construction	LOW OWN		Land Colonia	0.0	\$0	\$0	\$0
Land [0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	n/1 e. \$0 · c.*
Remediation/Disposal			14 1 2 6 3 1 1 1 5 1 6 1 1 1 1	0.0	\$0	n/a	\$0
Permit Costs							
			<u> </u>	0.0	\$0.75.79	n/a	\$0
Other (as needed)			A Charles Services	0.0	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs		ost to replace the "l Required is the o	date of first emissi	0.0 catalyst ton even	to properly abate t	n/a the unauthorized em e compliance date.	\$0 issions. Date
Other (as needed) Notes for DELAYED costs Avoided Costs		ost to replace the "l Required is the o	date of first emissi	atalyst to on even	to properly abate to Final Date is the litem (except for	n/a the unauthorized eme compliance date. one-time avoided o	\$0 issions. Date
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal		ost to replace the "l Required is the o	date of first emissi	atalyst to on even	so properly abate to t. Final Date is the litem (except for	n/a the unauthorized eme compliance date. one-time avoided c	\$0 issions. Date
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		ost to replace the "l Required is the o	date of first emissi	on even	to properly abate to Final Date is the lem (except for \$0 \$0	n/a the unauthorized eme compliance date. one-time avoided compliance date.	\$0 issions. Date costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		ost to replace the "l Required is the o	date of first emissi	o.o. catalyst to on even ntering 0.0 0.0 0.0	to properly abate to the final Date is the litem (except for \$0 \$0 \$0	n/a the unauthorized eme compliance date. one-time avoided c \$0 \$0 \$0 \$0	\$0 issions. Date costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		ost to replace the "l Required is the o	date of first emissi	on even	to properly abate it. Final Date is the item (except for \$0 \$0 \$0 \$0 \$0	n/a the unauthorized eme compliance date. one-time avoided compliance date.	\$0 issions. Date costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	ost to replace the "I Required is the o	date of first emissi	0.0 eatalyst to on even ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	to properly abate it. Final Date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the unauthorized eme compliance date. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 issions. Date iosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		ost to replace the "l Required is the o	date of first emissi	on even	item (except for \$0 \$0 to properly abate to the second s	n/a the unauthorized eme compliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 issions. Date oosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	ost to replace the "I Required is the o	date of first emissi	0.0 eatalyst to on even ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	to properly abate it. Final Date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the unauthorized eme compliance date. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 issions. Date iosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	ost to replace the "I Required is the o	date of first emissi	on even	item (except for \$0 \$0 to properly abate to the second s	n/a the unauthorized eme compliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 issions. Date oosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	ost to replace the "I Required is the o	date of first emissi	on even	item (except for \$0 \$0 to properly abate to the second s	n/a the unauthorized eme compliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 issions. Date oosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	ost to replace the "I Required is the o	date of first emissi	on even	item (except for \$0 \$0 to properly abate to the second s	n/a the unauthorized eme compliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 issions. Date oosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	ost to replace the "I Required is the o	date of first emissi	on even	item (except for \$0 \$0 to properly abate to the second s	n/a the unauthorized eme compliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 issions. Date oosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Screening Date	€ 8-May-2007		Docket No. 2007-0742-All	R-E	PCW
Responden	t Chemtrade Refir	ery Services, Inc.		Policy Rev	ision 2 (September 2002)
Case ID No				PC	N Revision April 26, 2007
Reg. Ent. Reference No					***************************************
Media [Statute	₹.				***************************************
Enf. Coordinato		<u>.</u>			***************************************
Violation Numbe					
Rule Cite(s	30 Tex. Ad	min. Code § 112.3(c) and	d Tex. Health & Safety Code	§ 382.085(b)	
Violation Descriptio	volume ("ppmv")	. On July 10, 2006, from omv net average SO2 lev	concentrations below 0.32 p 1:10 am to 3:30 am, the TC rel and a maximum SO2 pea at the fenceline of the Plant.	EQ measured a 30 k concentration of	
				Base Penalty	\$10,000
>> Environmental, Property	and Human He	alth Matriy			
- Environmental, 1 Toperty	and naman ne	Harm			
Releas	e Major M	Moderate Minor	-		
OR Actua		x			
Potentia	al L		Percent	50%	
AT NO. 41					`
>>Programmatic Matrix Falsification	n Major M	Moderate Minor			•
raisilication	1 Major 1	vioderate Iviirioi	Percent	0%	
L					
Matrix Notes Human hea exceed le	alth or the environn vels that are prote	nent has been exposed to ctive of human health or i violation	o significant amounts of polluthe environmental receptors Adjustment	tants which do not as a result of the	
				г	\$5,000
				L	\$5,000
Violation Events					
					,
Number of \	/iolation Events	1	1 Number of vic	lation days	
	daily				
mark only one with an x	monthly quarterly semiannual		Viola	ition Base Penalty	\$5,000
	annual				
	single event	х			
-					
		One single event is re	ecommended.		
Economic Benefit (EB) for t	his violation		Statutory I	imit Test	
3000 0 000 000 000 000 000 000 000 000	ed EB Amount	\$2,230	·	Final Penalty Total	\$7,650
· · ·			- Pinal Annanced Bereit - 1		67.650
		inis violation	n Final Assessed Penalty (a	aujusteu 10f IIMITS)[_	\$7,650

Case ID No.	33462 .	finery Services, Inc.				en 151 - 189 artisti. Venter - 189 artisti.	
g. Ent. Reference No. Media					1.0	200	Years of
Violation No.						Percent Interest	Depreciation
Violation No.	1					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
	TO COMMING OF C		The state of the s	11.0			***
Delayed Costs				_			
Equipment				0.0	\$0	\$0	\$0
Buildings	4			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	. \$0	\$0
Engineering/construction			Santilian de la constantina de la cons	0.0	\$0	\$0	\$0
Land		1 19 St 1 19 1 7 1 1		0,0	\$0	n/a	\$0
Record Keeping System		3/ 5/ 3/ 5/ 5/ 5/ 5/ 5/ 5/ 5/ 5/ 5/ 5/ 5/ 5/ 5/		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal			S. Calling the state of the Calling of the state of the Calling of the state of the	0,0	\$0 \$0	n/a	\$0 \$0
Permit Costs		lL		0,0	J ⊅∪	n/a	เฮยเ
Other (as needed)						n/a ource of SO2 ground	\$2,230 d-level fenceline
Other (as needed) Notes for DELAYED costs	Estimated cost concentrat exceedances;	to conduct air mod lon exceedances a the Date Required	eling and air sam nd to implement r is the date excee	pling to neasure dances	determining the so as designed to previous	n/a	\$2,230 d-level fenceline procentration Final Date is the
Notes for DELAYED costs	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of gr	determining the so es designed to prev were documented ound-level concen	ource of SO2 ground vent SO2 fencline od by the TCEQ; the F tration limits would	\$2,230 d-level fenceline oncentration Final Date is the be complete.
	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of gr	determining the so es designed to prev were documented ound-level concen	n/a ource of SO2 ground vent SO2 fencline co by the TCEQ; the F	\$2,230 d-level fenceline oncentration Final Date is the be complete.
Notes for DELAYED costs Avoided Costs	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of gr	determining the so is designed to previous designed to previous designed to previous designed to be some the sound-level concention.	ource of SO2 ground vent SO2 fenciline od by the TCEQ; the F tration limits would one-time avoided one-time	\$2,230 d-level fenceline oncentration Final Date is the be complete.
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of gro ntering 0.0 0.0	determining the so so designed to prev were documented ound-level concented ound-level for \$0 \$0 \$0	n/a ource of SO2 ground vent SO2 fencline oc by the TCEQ; the Fitration limits would one-time avoided of \$0 \$0 \$0	\$2,230 d-level fenceline oncentration Final Date is the be complete. Costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of ground tering 0.0 0.0 0.0 0.0	determining the so so designed to preview documented ound-level concented term (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a ource of SO2 ground vent SO2 fendline oc l by the TCEQ; the F tration limits would lone-time avoided of \$0 \$0 \$0 \$0 \$0	\$2,230 d-level fenceline oncentration Final Date is the be complete. costs) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of ground on tering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	determining the so is designed to previewere documented ound-level concenterm (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ource of SO2 ground vent SO2 fencline oc by the TCEQ; the F tration limits would one-time avoided of \$0 \$0 \$0 \$0 \$0	\$2,230 d-level fenceline concentration Final Date is the be complete. costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of ground on the control of the control	determining the sc s designed to previous states of the sc states of the s	ource of SO2 ground vent SO2 fenciline county by the TCEQ; the Fitration limits would one-time avoided one-time avoided one-time so	\$2,230 d-level fenceline concentration Final Date is the be complete. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of ground on tering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	determining the so is designed to previewere documented ound-level concenterm (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ource of SO2 ground vent SO2 fencline oc by the TCEQ; the F tration limits would one-time avoided of \$0 \$0 \$0 \$0 \$0	\$2,230 d-level fenceline concentration Final Date is the be complete. costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of ground on the control of the control	determining the sc s designed to previous states of the sc states of the s	ource of SO2 ground vent SO2 fenciline county by the TCEQ; the Fitration limits would one-time avoided one-time avoided one-time so	\$2,230 d-level fenceline concentration Final Date is the be complete. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of ground on the control of the control	determining the sc s designed to previous states of the sc states of the s	ource of SO2 ground vent SO2 fenciline county by the TCEQ; the Fitration limits would one-time avoided one-time avoided one-time so	\$2,230 d-level fenceline concentration Final Date is the be complete. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of ground on the control of the control	determining the sc s designed to previous states of the sc states of the s	ource of SO2 ground vent SO2 fenciline county by the TCEQ; the Fitration limits would one-time avoided one-time avoided one-time so	\$2,230 d-level fenceline concentration Final Date is the be complete. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost concentrat exceedances; estimated d	to conduct air mod ion exceedances a the Date Required ate that actions to p	eling and air sam nd to implement r is the date excee prevent exceedan	pling to neasure dances ce of ground on the control of the control	determining the sc s designed to previous states of the sc st states of the sc st states of the sc states of the sc st states of the sc st sta	ource of SO2 ground vent SO2 fenciline county by the TCEQ; the Fitration limits would one-time avoided one-time avoided one-time so	\$2,230 d-level fenceline concentration Final Date is the be complete. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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NACHOLINA DE PROPERTO DE LA CARLO DE LA COLONIA DE LA C	Chemtrade Refinery Servi	ices, Inc.		Policy Revision 2 (S	eptember 2002
Case ID No.				PCW Revision	n April 26, 200
Reg. Ent. Reference No.					
Media [Statute]					
Enf. Coordinator	Jorge Ibarra, P.E.				*
Rule Cite(s)			No. O-01409, Special Condition 43(4), and Tex. Health & Safet (b)		
Violation Description	September 18, 2006 e Emissions Point Numbe emissions event was avo	emissions event, the 1 er 1 was exceeded for oidable, the Responde	ptember 18, 2006. Specifically, 000 ppmv SO2 concentration in three hours and 20 minutes. Sent failed to meet the demonstrex. Admin. Code § 101.222.	limit for Since the	
•			Bas	se Penalty	\$10,00
Environmental, Property a	ınd Human Health Ma	atrix			
	Harm				
OR Release Actual	r	Minor			
Potential		X	Percent 25%		
, otomiai	L		2070		
Programmatic Matrix					
Falsification	Major Moderate	Minor			
			Percent 0%		
Human hea	Ith or the environment has	heen exposed to insid	gnificant amounts of pollutants	which did	
			environmental receptors as a re		
		violation.			
			Adjustment	\$7,500	
		-		·	¢2 5
				L	\$2,5
olation Events					
Number of Vio	plotion Events 1		1 Number of violation da		
Number of vic	Diadon Events 1	<u> </u>	1 Variable of Violation de	iya	
	daily				
	monthly				
mark only one with an x	quarterly	_	Violation Ba	se Penalty	\$2,5
with all X	semiannual	-			
	single event x	=			
		The second secon			
	One s	single event is recomn	nended.		
					W0000000000000000000000000000000000000
onomic Benefit (EB) for th	is violation		Statutory Limit Te	est	
Estimate	d EB Amount	\$6	Violation Final Pe	nalty Total	\$3,82
		This violation Fina	I Assessed Penalty (adjusted	for limits)	\$3,8

ltem Description N	462 1100218932	шыу остуков, шс	• .		en gran de la companya de la company		Years of	
eg, Ent. Reference No. Rt Media Al Violation No. 8	N100218932						Verse es	
Media Ali Violation No. 8					1.3 F		Vacua of	
Violation No. 8							Tears of	13
iltem Description N	Itam Cost					Percent Interest	Depreciation	
ltem Description N	Itam Cost					5.0	15	
ltem Description N	HULLINGUS L	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1								
			1.5. 6949 . 193		est Mari et			
Delayed Costs					-0			
Equipment		21 22 2	1.00	0.0	\$0	\$0	\$0	
Buildings	de Amilia (Rij.)			0.0	\$0	\$0	\$0	
Other (as needed)				0.0	\$0	\$0	\$0	
Engineering/construction	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1			0,0	\$0	\$0	\$0	
Land				0.0	\$0	n/a	\$0	
Record Keeping System		6.1		0.0	\$0	n/a	\$0	
Training/Sampling	\$1,000	18-Sep-2006	31-Oct-2006	0.1	\$6	n/a	\$6	
Remediation/Disposal	7.75		E contract of the contract of	0.0	\$0	n/a	\$0	
Permit Costs			an a sure of the con-	0.0	\$0	n/a	\$0	
Other (as needed)	and the second of the second			0,0	- \$0	n/a	\$0	١.
Notes for DELAYED costs	require	d based on the dat	e of the emission	s event.	Final date is the d	acid limits for the ac ate training was co	mpleted.	S/Pgi-
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	ntering		one-time avoided o	costs)	
Disposal	* * * * * * * * * * * * * * * * * * * *			0.0	\$0	\$0	\$0	
Personnel	*	100 h	pro Albania III a A	0.0	\$0	\$0	\$0	1
spection/Reporting/Sampling	700 g 14			0.0	\$0	\$0	\$0	l
Supplies/equipment		1.1.		0.0	\$0	\$0	\$0	
Financial Assurance [2]	C.,			0.0	\$0	\$0	\$0	
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0	
Other (as needed)				0.0	\$0	\$0	\$0	1
		***			4 1 1 1 1 1			
Notes for AVOIDED costs				100				ĺ
							ľ	
	TO VICE TO			47, 14	removed the state of the special			
			ria di Maria di				امد	1
Approx. Cost of Compliance	<u> </u>	\$1,000		100	TOTAL	L	\$6	J

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Compliance History

Chemtrade Refinery Services, Inc. Classification: AVERAGE Rating: 2.64 Customer/Respondent/Owner-Operator: CN602999567 RN100218932 CHEMTRADE REFINERY Classification: AVERAGE Site Rating: 2.64 Regulated Entity: **SERVICES** ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER JE0073N AIR OPERATING PERMITS **PERMIT** 1409 EPA ID TXD008097487 INDUSTRIAL AND HAZARDOUS WASTE **GENERATION** SOLID WASTE REGISTRATION # 30795 INDUSTRIAL AND HAZARDOUS WASTE **GENERATION** (SWR) **PERMIT** 50167 INDUSTRIAL AND HAZARDOUS WASTE **STORAGE** INDUSTRIAL AND HAZARDOUS WASTE **PERMIT** 50167 STORAGE **PERMIT** WQ0000647000 WASTEWATER WASTEWATER PERMIT TPDES0006726 TX0006726 WASTEWATER **PERMIT** AIR NEW SOURCE PERMITS PERMIT 3149 6872 **PERMIT** AIR NEW SOURCE PERMITS JE0073N ACCOUNT NUMBER AIR NEW SOURCE PERMITS AFS NUM 4824500010 AIR NEW SOURCE PERMITS IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # 30795 (SWR) Rating Date: September 01 06 Repeat Violator: 1400 OLIN RD, BEAUMONT, TX, 77705 Location: NO TCEQ Region: **REGION 10 - BEAUMONT** May 25, 2007 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement Compliance Period: May 25, 2002 to May 25, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Jorge Ibarra, P.E. Phone: (817) 588-5890 Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Yes Chemtrade Refinery Services, Inc. 3. If Yes, who is the current owner? Arch Chemicals, Inc. 4. if Yes, who was/were the prior owner(s)? 5. When did the change(s) in ownership occur? 06/30/2003 Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Effective Date: 07/30/2004 ADMINORDER 2004-0259-AIR-E Classification: Major

Citation:

30 TAC Chapter 101, SubChapter A 101.4

5C THC Chapter 382, SubChapter A 382.085(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to control sulfur dioxide emissions at Peak Sulfur, Inc. which resulted in a documented

effect on human health. Classification: Major

Citation:

30 TAC Chapter 112, SubChapter A 112.3(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain sulfur dioxide net ground level concentrations below 0.32 ppmv averaged over any 30-minute period.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

prova	al dates of inv	estigations. (CCEI
. 1	06/25/2002	(159851)
2	07/18/2002	(2652)
3	07/22/2002	(159854)
4	07/29/2002	(5588)
5	08/09/2002	(5589)
6	08/19/2002	(159857)
7	09/19/2002	(159860)
8	10/21/2002	(159863) (159866)
9	11/25/2002	(159869)
11	01/21/2003	(159872)
12	02/07/2003	(19230)
13	02/24/2003	(159838)
14	03/14/2003	(296093)
15	04/22/2003	(159845)
16	05/16/2003	(296095)
17	06/13/2003	(296096)
18	07/18/2003	(296097)
19	08/14/2003	(296098)
20	09/19/2003	(247771)
21	09/19/2003	(296099)
22	10/22/2003	(296100)
23	11/20/2003	(296101)
24	12/22/2003	(296102)
25	01/26/2004	(296103)
26	02/23/2004	(296092)
27	03/23/2004	(296094)
28	04/20/2004	(264089)
29	04/22/2004	(352424)
30	05/25/2004	(352425)
31	06/21/2004	(352426)
32	06/22/2004	(276496)
33	07/13/2004	(278997)
34	07/22/2004	(352427)
35	08/18/2004	(352428)
36	09/13/2004	(352429)
37	10/26/2004	(352430)
38	11/24/2004	(381975)
39	12/13/2004	(381976)
40	01/20/2005	(381977)
41	01/25/2005	(346563)
42	02/17/2005	(344416)
43	02/17/2005	(430042) (381974)
44	03/17/2005 04/16/2005	(430043)
45 46	06/06/2005	(430043)
47	06/24/2005	(380140)
48	07/06/2005	(397887)
49	07/18/2005	(430045)
50	08/15/2005	(401456)
51	08/22/2005	(440953)
52	09/07/2005	(404953)
53	09/12/2005	(440954)
54	09/16/2005	(403815)
55	10/24/2005	(468631)
56	11/16/2005	(468632)
57	12/19/2005	(468633)
58	01/19/2006	(468634)
59	02/21/2006	(468628)
60	02/24/2006	(455730)
61	03/17/2006	(468629)
62	04/19/2006	(468630)
63	05/05/2006	(461660)
~ 4	0514010000	(400000)

64 05/19/2006

(498338)

65 06/14/2006	(498339)		
66 07/20/2006	(498340)		,
67 08/16/2006	(520353)		
68 09/25/2006 69 10/10/2006	(520354) (520355)		
70 11/21/2006	(544686)		
71 12/05/2006	(544687)		
72 01/08/2007	(518481)		
73 01/19/2007	(544688)		
74 02/12/2007	(544685)		
75 04/20/2007	(542441)		
76 05/01/2007	(555822)		
77 05/18/2007	(556834)		
	(NOV). (CCEDS Inv. Track. No.)		
Date 09/30/200	,		
•	ES	Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit param	eter	
Date 01/31/200		•	
Self Report? Y	ES	Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)[G]		
Description: Date 06/23/200	Failure to meet the limit for one or more permit param (276496)	eter	
		Classificati	Moderate
•	0 - 20 TAC Chapter 123 SubChapter B 123 145/2VA)	Classificati	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP O-01409		
Description:	Failure to report a deviation in a timely manner.		
Date 07/07/200	05 (397887)		
Self Report? N	10	Classificati	Minor
Rqmt Prov:	PERMIT M&RR 2		
Description: Self Report? N	Failure to keep a complete pH meter calibration log IO	Classificati	Minor
Rgmt Prov:	PERMIT M&RR 3.C	0.000	
Description:	Failure by the permittee to record the time of the sam	ple refrigerator	temperature
·	check on the temperature log.		
Date 08/15/20			
Self Report? N		Classificati	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rgmt Prov:	OP 1409		
·	PERMIT 3149		
Description:	Failure to calculate sulfur dioxide efficiency from the	scrubber stack. Classificati	Moderate
•	NO TAC Charles 440 Sub Charles B 446 445(a)	Classificati	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
. • •	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP 1409		
	PERMIT 3149 Failure to maintain the oxygen concentration at 0.65	volume percent	or greater
Description: Self Report? N	NO	Classificati	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Citation.	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP 1409 PERMIT 3149		
Description:	Failure to conduct Orsat analysis on a daily basis.		
•	NO	Classificati	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
Damt Draw	5C THC Chapter 382, SubChapter A 382.085(b) OP 1409		
Rqmt Prov:	PERMIT 3149		

Description: Date 10/31/2005 (468632)

PERMIT 3149

Failure to conduct daily zero and span on the hydrocarbon CEMS.

Written

Self Report? YES Classificati Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (468628)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/10/2006 (461660)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.127(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to conduct continuous opacity monitoring as reported in the Deviation Report

for FOP O-01409 covering January 28, 2005 to July 29, 2005.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122,143(4) 5C THC Chapter 382, SubChapter D 382,085(b)

Ramt Prov: PERMIT 3149, Special Condition 1

OP O-01409. Special Condition 7

Description: Failure to calculate sulfur dioxide emissions from the scrubber stack as reported in

the Deviation Reports for FOP O-01409 covering January 28, 2005 to July 29, 2005

and July 30, 2005 to January 29, 2006.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(c) 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain sulfur dioxide net ground level concentrations below 0.32 ppmv

averaged over any 30-minute period.

Date: 12/31/2006 (544688)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 (544685)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/23/2007 (556834)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01409, General Terms and Conditions OP O-01409, Special Condition 2F

Description: Failure to notify the regional office of a reportable excess opacity event. EIC B3,

MOD(2)(B)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A) 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 3149, Special Condition 2

OP O-01409, General Terms and Conditions OP O-01409, Special Condition 3A(i) OP O-01409, Special Condition 7A

Description: Failure to maintain opacity limits below applicable requirements. EIC B18

MOD(2)(D)

F. Environmental audits.

Notice of Intent Date: 02/09/2007 (542637)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
CHEMTRADE REFINERY SERVICES,	§	TEXAS COMMISSION ON
INC.	§	
RN100218932	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0742-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chemtrade Refinery Services, Inc. ("Chemtrade") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Chemtrade appear before the Commission and together stipulate that:

- 1. Chemtrade owns and operates a spent acid regeneration plant at 1400 Olin Road in Beaumont, Jefferson County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and Chemtrade agree that the Commission has jurisdiction to enter this Agreed Order, and that Chemtrade is subject to the Commission's jurisdiction.
- 4. Chemtrade received notice of the violations alleged in Section II ("Allegations") on or about January 13, 2007 and May 6, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Chemtrade of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Thirty Four Thousand One Hundred Nineteen Dollars (\$34,119) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Chemtrade has paid Twenty Seven Thousand Two Hundred Ninety-Six Dollars (\$27,296) of the administrative penalty and Six Thousand Eight Hundred Twenty-Three Dollars

(\$6,823) is deferred contingent upon Chemtrade's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Chemtrade fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Chemtrade to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Chemtrade have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Chemtrade has implemented the following corrective measures at the Plant:
 - a. Completed operations personnel training on October 31, 2006. The training was conducted in efforts to prevent future emissions events due to the same cause as the September 18, 2006 emissions event and included a review of operating procedures for maintaining sulfuric acid target operating concentrations for the acid drum;
 - b. Implemented procedures to ensure proper daily zero and span on the sulfur dioxide (" SO_2 ") continuous emissions monitoring system ("CEMS") scrubber stack [emission point number ("EPN") 1] on November 29, 2006;
 - c. Installed a new opacity instrument motor on January 3, 2007;
 - d. Submited initial and final reports for Incident Nos. 87223 and 87225 on February 15, 2007;
 - e. Began blowing out the sample line to the SO₂ CEMS during daily calibrations on February 28, 2007;
 - f. Began conducting air modeling and ambient sampling though a third-party consulting firm to investigate SO₂ emissions at the Plant and to help determine the source or sources of ground-level fenceline concentrations of SO₂, as notified by Chemtrade on March 20, 2007;
 - g. Installed an alarm to the computer that alerts the operators to complete the Reich test that calculates the converter, scrubber, and overall SO₂ efficiencies on April 16, 2007;
 - h. Replaced the "B" converter bed catalyst during the March 28, 2006 shutdown and reinspected the converter during the 2007 shutdown to ensure that it was performing properly; and
 - i. Developed and implemented recordkeeping/reporting practices and procedures to ensure that all emissions events are properly reported on June 10, 2007.

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- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Chemtrade has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Chemtrade is alleged to have:

- 1. Failed to record the SO₂ emissions data as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007, in violation of Permit No. 3149, Special Condition No. 7, Federal Operating Permit ("FOP") No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2007. Specifically, on June 3, 2006, August 2, 2006, and January 19-20, 2007, Chemtrade failed to record the emission data from the sample line to the SO₂ CEMS.
- 2. Failed to calculate sulfur SO₂ emissions as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007, in violation of Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2007. Specifically, on twenty occasions, Chemtrade failed to calculate converter, scrubber, and overall SO₂ efficiencies.
- 3. Failed to zero and span the SO₂ CEMS as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007, in violation of Permit No. 3149, Special Condition No. 7B, FOP No. O-01409, Special Condition No. 7A, 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b) as documented during an investigation conducted on March 8, 2007. Specifically, Chemtrade failed to conduct the daily zero and span on the SO₂ CEMS scrubber stack EPN 1 on November 24, 2006.
- 4. Failed to continuously operate an opacity monitor as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007, in violation of 30 Tex. ADMIN. CODE § 111.127(c) and Tex. Health & Safety Code § 382.085(b) as documented during an investigation conducted on March 8, 2007. Specifically, the opacity instrument motor failed on January 1, 2007.
- 5. Failed to submit initial reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007, in violation of

And the first of the second of

- 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2007.
- 6. Failed to submit final reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007, in violation of 30 Tex. Admin. Code § 101.201(c) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 8, 2007.
- 7. Failed to maintain an emission rate below the maximum allowable emission limit of 400 pounds per 24 hour for SO₂ from the scrubber stack EPN 1, in violation of Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2007. Specifically, 14,440 lbs of SO₂ were emitted on February 8-9, 2006 in a 28 hour period and 9,945 lbs of SO₂ were emitted on February 12-13, 2006 in a 15 hour period.
- 8. Failed to maintain SO₂ net ground level concentrations below 0.32 parts per million by volume ("ppmv"), in violation of 30 Tex. ADMIN. CODE § 112.3(c) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 3, 2006. On July 10, 2006, from 1:10 am to 3:30 am, the TCEQ measured a 30-minute 0.967 ppmv net average SO₂ level and a maximum SO₂ peak concentration of 3.00 ppmv at 2:55 am at the fenceline of the Plant.
- 9. Failed to maintain authorized emissions from the final vent stack EPN 1, in violation of Permit No. 3149, Special Condition No. 8, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 3, 2006. Specifically, during a September 18, 2006 emissions event, the 1,000 ppmv SO₂ concentration limit for EPN 1 was exceeded for three hours and 20 minutes.

III. DENIALS

Chemtrade generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Chemtrade pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Chemtrade's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chemtrade Refinery Services, Inc., Docket No. 2007-0742-AIR-E" to:

Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Chemtrade shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, implement measures designed to prevent SO₂ net ground level exceedances similar to that which occurred on July 10, 2006; and
 - b. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. as described below:

The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 3. The provisions of this Agreed Order shall apply to and be binding upon Chemtrade. Chemtrade is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If Chemtrade fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Chemtrade's failure to comply is not a violation of this Agreed Order. Chemtrade

e antico de la companya de la compa La companya de la companya della companya del Chemtrade Refinery Services, Inc. DOCKET NO. 2007-0742-AIR-E Page 6

shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Chemtrade shall notify the Executive Director within seven days after Chemtrade becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Chemtrade shall be made in writing to the Executive Director. Extensions are not effective until Chemtrade receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Chemtrade in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Chemtrade, or three days after the date on which the Commission mails notice of the Order to Chemtrade, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Chemirade Refinery Services, Inc. DOCKET NO. 2007-0742-AIR-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	•			
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For the Executive Director	,	Date		,

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

A negative impact on compliance history;

Greater scrutiny of any permit applications submitted;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency:

Increased penalties in any future enforcement actions;

. Automatic referral to the Attorney General's Office of any future enforcement actions; and

TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature A J II

______1 | 29 Date

Name (Printed or typed)

Authorized Representative of

Chemirade Refinery Services, Inc.

Dinech of Mfg.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.